



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

9815

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on July 21, 2006

Signature _____

Typed or printed name James M. Stover

Application Number

09/989,345

Filed

November 20, 2001

First Named Inventor

Paul L. Sinclair

Art Unit

2191

Examiner

Anil Khatri

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 32,759

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

James M. Stover

Typed or printed name

937-445-7663

Telephone number

July 21, 2006

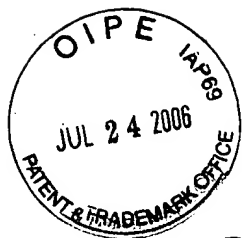
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9815

Application: Paul L. Sinclair

Group Art Unit: 2191

Serial No. 09/989,345

Examiner: Anil Khatri

Filed: November 20, 2001

For: **VALUE-ORDERED PRIMARY INDEX AND ROW HASH MATCH
SCAN**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 1 through 50 the present application. No amendments are being presented with this request. This request is being filed concurrently with a Notice of Appeal.

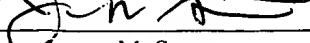
The §102(e) Rejection in view of Liu

Claims 1 through 50 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,185,557 issued to Liu.

Regarding independent claims 1, 18 and 34, Applicant would like to respectfully point out that Liu does not teach or suggest incrementing a not-match counter if no match is found between the loaded row(s) of a first table and a loaded row of a second table, as required by Applicant. In an effort to find this element, the Examiner cites column 8, lines 52-55 of Liu which recite, "If there is no next match row, the outer row is discarded (step 227) and the merge join

CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 21, 2006.

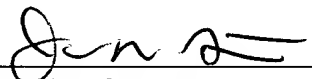
By: 
Name: James M. Stover

process searches the data page for a next match row for the outer row next in sequence.”

Applicant would like to respectfully point out that nowhere in the above-recited excerpt from Liu, or any other section Applicant is aware of, does Liu teach or even suggest incrementing a not-match counter in the event a match is not found between the loaded row(s) of a first table and a loaded row of a second table, as required by Applicant. Therefore, Liu does not teach all of the elements of Applicant's independent claims 1, 18 and 34, and Applicant's claims 1, 18 and 34, and their dependents, are not anticipated by Liu under 35 U.S.C. §102(e). As Liu fails to teach or suggest every element recited in each of the claims of the present application, claims 1 through 50 are believed to be patentable over the cited reference.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 1, 2, 5 and 6, are respectfully requested.

Respectfully submitted,



James M. Stover

Reg. No. 32,759

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479-0001
Tel. No. (937) 445-7663
Fax No. (937) 445-4792